

## **Exhibit J**

**Diane M. Russo**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW, et al.,

**AFFIDAVIT OF  
DIANE M. RUSSO**

Plaintiffs,

20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF NEW YORK )  
: SS.:  
COUNTY OF WESTCHESTER )

DIANE M. RUSSO, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 24 Scarsdale Avenue, Scarsdale, New York 10583.

2. I am currently 60 years old, having been born on March 12, 1962.

3. I am the sister of Thomas P. Doepfner, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My brother passed away from melanoma on April 6, 2016. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks.

5. Thomas was my older brother, and we were very close. We celebrated holidays together, every family birthday, everything. He was my mentor, my go-to for everything. We lived nearby to each other and saw each other all the time.

6. On 9/11, Thomas was working at 1 Police Plaza. He was driving into work when the attacks on the World Trade Center occurred. Thomas was the Assistant Commissioner of the

Legal Bureau for the NYPD. He was a lawyer. He worked right at Ground Zero and at 1 Police Plaza throughout the clean-up efforts. He continued to work there for many years after 9/11, commuting every day into the city until he was forced to retire due to his illness. When 9/11 happened, I was eight months pregnant with my fourth child. Thomas didn't tell me much about his experience at the World Trade Center disaster because he didn't want to upset me.

7. I know that he had prostate cancer first, but that wasn't something he discussed with me. Thomas was a very healthy person, athletic, not overweight, and a healthy eater. We were shocked to learn that he was diagnosed with melanoma in 2015. Our other brother, who was younger than him but older than me, passed away that same year. So, from the time of Tommy's diagnosis until the time he died, he didn't want to let on to me how serious his illness was. He was trying to protect his family. He just kept saying, "Don't worry Diane, I'll be fine."

8. The melanoma metastasized to his brain and throughout his body. I went to visit him in the hospital after he was operated on. He stayed positive throughout his entire illness. He didn't want me to be upset, especially since our other brother had just died. Thomas had radiation and chemotherapy, in addition to brain surgery to try and remove the tumor. He never let me know that he was dying, and I was in denial about it. I couldn't lose another brother. I tried to be the best emotional support to him that I could. We would talk on the phone regularly, and I would visit him in the hospital.

9. Thomas's death was devastating. It was so heartbreakng for me and my entire family. I have four kids, and they loved him. He would come over, play basketball with my kids, and cook for the family. He loved to cook. We did all of the kids' birthday parties together. Now there's none of that. He missed his daughter's graduation and wedding, his son's graduation, and all my kids' graduations, birthdays, and holidays.

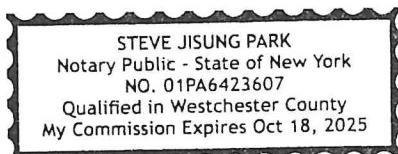
10. Thomas was the kind of person you could go to for anything—emotional support, financial support, whatever you needed. He supported my brother financially at times. He was the one you could go to. When our dad died twenty-six years ago, Thomas stepped in as the father. He was the oldest brother, and he was a great family man. He loved his job and hated to retire, but he had to for medical reasons. Everyone at his job loved him. His colleagues wrote a beautiful eulogy for his funeral. It was just a devastating loss. He had a wife and two children.

This is not something you think would happen to someone who was so healthy and such a good person.

Diane M. Russo  
DIANE M. RUSSO

Sworn to before me this  
15 day of June, 2022

SJP  
Notary Public



**Frederick Dong**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW., et al.,

**AFFIDAVIT OF  
FREDERICK DONG**

Plaintiffs,

20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF NEW JERSEY )  
: SS.:  
COUNTY OF MIDDLESEX )

FREDERICK DONG, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 38 Higgins Road, Old Bridge, NJ 08857.

2. My current age is 69, having been born on April 18, 1952.

3. I am the brother of John Dong, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My brother passed away from liver cancer and pancreatic cancer on January 31, 2015. As has already been determined by the World Trade Center Health Program, his illnesses were deemed to be causally connected to his exposure to the toxins resulting from the 9/11 terrorist attacks.

5. My brother was my best friend for the past forty years. He would visit me every week, traveling from New York to New Jersey just to hang out. I didn't have any children, and since his children were all grown, we spent more time together in his last few years. I miss him. I always think about him.

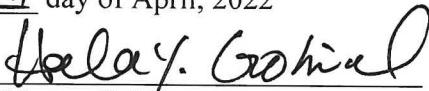
6. I know that John resided just about a mile away from the World Trade Center site. He worked for the telephone company, Verizon, and was working and volunteering at Ground Zero in the days and weeks after the 9/11 attacks. He was working there for months. At the time, nobody was worried about exposure or contaminants—we didn't know. He hadn't really mentioned much about it. He went and did his job, and he came home each day.

7. I learned only of his liver and pancreatic cancers a few weeks before he passed, as we all did. Before his diagnoses, we would go together to our mother's house in Brooklyn every other week for dinner. I had noticed that he had lost some weight and that his eyes were getting jaundiced. But when I asked him about his health, he told me that he felt fine. It was hard for me to have that conversation with him. We spent a lot of time together when he was sick. He was always there for me, so I wanted to be there for him.

8. His children did a great job taking care of him. He wanted to spend as much time with family as possible when he was getting sick. It was a sad, sad time. We were so close, we lost so much time together. I was looking forward to traveling the world with him. John was a thoughtful and generous person. He would look out for anyone in our family who was going through a tough time. He was a person you could rely on. His death has been a huge loss for me.

  
FREDERICK DONG

Sworn to before me this  
13<sup>th</sup> day of April, 2022

  
Notary Public

  
State of NJ  
County of Middlesex

HALA Y GOBRIAL Notary Public State of New Jersey My Commission Expires April 18, 2022 I.D. # 2419990
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**Katherine Dong**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW., et al.,

Plaintiffs,

20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF CALIFORNIA )  
: SS.:  
COUNTY OF ALAMEDA )

KATHERINE DONG, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 37504 Zephyr Terrace, Fremont, CA 94536.
2. My current age is 38, having been born on October 17, 1983.
3. I am the daughter of John Dong, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.
4. My father passed away from liver cancer and pancreatic cancer on January 31, 2015. It was determined by the World Trade Center Health Program that his illnesses were deemed to be causally connected to his exposure to the toxins resulting from the 9/11 terrorist attacks.

5. My father and I became especially close the last two years before his passing. He had recently retired at that time, and I was working night shifts in the hospital as a nurse. He would pick me up from my night shifts and drive me home to Astoria. We would just have one-on-one talks. If I had any issues, I was able to talk to him about them. He would come to my

house during the week to eat lunch and hang out. We would see my grandma in Brooklyn and my uncle in New Jersey. He would always spend time with me when we both could. Growing up, he was working a lot. He worked for Verizon, the telecommunications company. My brother and I weren't as close with him when we were growing up. We never really got to have deep talks with him or spend a lot of time with him until we got older.

6. On 9/11, my dad was working in Brooklyn. He rushed back home when he learned of the attacks on the World Trade Center. He lived at 180 Park Row, right near the Twin Towers. Verizon sent him down to the World Trade Center to work and volunteer. He was there for about two- or three-months volunteering, repairing cables, and fixing the telecom machinery. This was in the time before smart phones. He would take photos of himself repairing phone lines with his coworkers. He was upset about the working conditions—it was hot, too hot to wear the protective gear that they gave him. He was underground most of the time, and the heat was unbearable, with no fresh air coming in and surrounded by dust and debris. He couldn't breathe down there.

7. In December 2014, my brother, dad and I went out for soup dumplings when my brother noticed that my dad's eyes were yellow. I'm an oncology nurse, and I asked my coworkers what I should do. He was a healthy guy and, other than some indigestion issues, never had a problem with his health. They told me I should bring him to the emergency room to get checked out. We took him to NYU Langone. Later that night, I got a call from one of the nurses with the preliminary results from the CAT scan. I just broke down. They found multiple masses on his liver and pancreas. He was diagnosed with metastatic Stage IV liver cancer and pancreatic cancer. For the rest of the shift, I was just crying, devastated. I left to go see my dad in the hospital. I tried to keep it together, but I just couldn't. I knew what was in store for him. My dad asked me how long he had to live and I tried to tell him up to a year. But I knew it wouldn't be that long.

8. I took intermittent FMLA, thinking, "Oh, I'll take my dad to his cancer treatments." But his condition soon deteriorated, and my dad was admitted to hospice care. I took full FMLA to care for him in his final weeks. Even at his sickest, he tried to be as independent as he could.

9. He was only sixty-four years old. I honestly thought I would have at least twenty more years with him. He would have made an amazing grandfather. I wish I could've given him

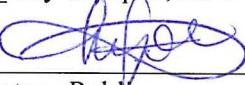
that opportunity before he passed. We had gotten so close in the last two years, which made up for the years lost while he was busy working during my childhood. But there were so many years in the future that we could have spent together. We could have traveled, had so many more conversations, just being together.

10. I want people to know how caring my father was. He was a big jokester, and he would never complain. He would help people out in his community, even those he didn't know well. He would do anything that his family needed. I want people to know that we lost somebody with a very good heart, and we lost him too early.

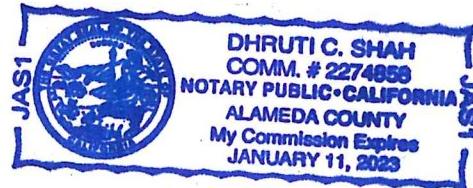


KATHERINE DONG

Sworn to before me this  
14<sup>th</sup> day of April, 2022



\_\_\_\_\_  
Notary Public



04/14/2022

**Kevin Dong**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW., et al.,

**AFFIDAVIT OF KEVIN DONG**

Plaintiffs, 20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF NEW YORK )  
: SS.:  
COUNTY OF NEW YORK )

KEVIN DONG, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 180 Park Row, Apt 23C, New York, NY 10038.

2. My current age is 34, having been born on November 7, 1987.

3. I am the son of John Dong, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My father died from liver cancer and pancreatic cancer on January 31, 2015. As has already been determined by the World Trade Center Health Program, his illnesses were deemed to be causally connected to his exposure to the toxins resulting from the 9/11 terrorist attacks.

5. My father raised me and taught me everything I know, including values, morals, discipline, and how to do be professional. He taught me how to treat people and how to be respectful. He was in the National Guard. He was always clean and well-dressed. We loved playing basketball together, and I know he loved to play basketball with his friends. He was well-known in Chinatown and was loved in his community. We were really close.

6. My father worked and volunteered at Ground Zero after 9/11. He worked for the telecommunications company, Verizon, and was part of a local union. Verizon had reached out to the union to get help with the clean-up and repair of cables in the area. I know he was down there for at least three months. He would come home with dirty clothes and equipment covered in soot. He tried to bring levity to the situation, joking about the good times with his colleagues. He didn't say much because he saw a lot of terrible things. He would just allude to it. He told me it was hot, dirty, almost unbearable working conditions.

7. Late in 2014, my sister, father and I went out to lunch in Flushing, Queens. We were at a soup dumpling restaurant, and I saw the light hitting my father's eyes. I noticed that his eyes were tinted yellow, which was concerning for me. I knew my dad was also dealing with indigestion at the time, but I didn't think much of it. I told my sister, who's a nurse, about his yellow eyes after that lunch. She talked to some colleagues at her hospital who told her we should bring in our dad to the emergency room that evening. That was December 20<sup>th</sup>, 2014. We took him to the hospital to get checked out.

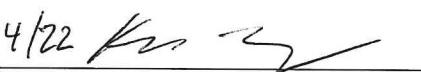
8. We were all in good spirits, we didn't think anything serious was wrong. They put my father through an MRI scan and immediately found multiple masses on his liver and pancreas. The doctors diagnosed him with Stage IV pancreatic cancer and liver cancer. I immediately called my sister, who broke down crying. She was a cancer nurse and knew that his diagnoses were terminal. It was hard for us to tell my dad because he didn't know what was going on at first. We immediately started researching survival rates and were devastated.

9. Within a couple of weeks, we started to see his weight drop dramatically. We tried to take care of him the best we could by changing his diet, but he couldn't stand any of the food. I wanted to stay every night with him, but he often told me to go home. It was hard to see someone that you're used to seeing so strong deteriorate so quickly. He was always in pain. In addition to the weight loss, he had skin discoloration, and his gums were always bleeding. We soon had to admit him to the hospital. I'm a photographer, so during that time I was taking pictures of everything.

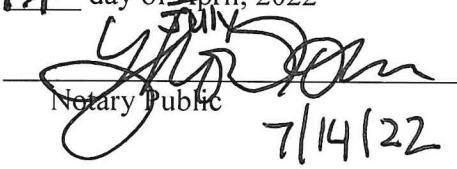
10. It was just the wrong time for all of this to happen. My father had recently retired, and February 2014 was the first time I was able to convince him to travel. I worked in aviation and had earned some passes to fly my parents out to Aruba. I was proud to be able to treat my father to a vacation, because he had worked so hard his whole life. That was the happiest time

we had together. He loved tanning in the sun and going to the beach. He said to me that he wanted to travel more. I told him he should focus on his retirement and enjoy the good things in life. I thought that 2015 was going to be a good year.

11. It was hard to see my dad's retirement stolen from him. He had so much life left to live. He was the figurehead of our family, always the one to bring people together. I wish I got to see him be a grandfather one day, because he's great with kids. I want to continue his legacy, and to make sure that his legacy lives on. He was a staple in our community; everyone knew him. He was just there for people. I want more people to know his story.

7/14/22   
KEVIN DONG

Sworn to before me this  
14 day of April, 2022

  
Notary Public

7/14/22

ELIZABETH TOM  
Notary Public, State of New York  
No. 01TO6253722  
Qualified in Suffolk County  
Commission Expires Jan. 03, 2024

**Elaine Eysser**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW., et al.,

Plaintiffs,

20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF NEW YORK      )  
                              : SS.:  
COUNTY OF NASSAU      )

ELAINE EYSSEN, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 2 Renee Road, Syosset, NY 11791.
2. My current age is 79, having been born on May 26, 1942.
3. I am the wife of George Eysser, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.
4. My husband passed away from lung cancer on June 13, 2015. It was medically determined by the World Trade Center Health Program that this illness was causally connected to the toxins resulting from the September 11, 2001 terrorist attacks.
5. George and I had a great relationship. We married in 1969 and were married for forty-six years before George died. We got along very well all of our lives. We had children and saw both of them get married and have children of their own. We traveled a lot. After George retired, I continued working as a teacher. It was a great life. He was a good man, and I miss him.

6. George had just retired from the FDNY in May or June of 2001. He wasn't working for that entire summer. Then, 9/11 happened, and he pulled his retirement papers so that he could respond to the World Trade Center collapse. I came home from work that day, and George told me he was going down to Manhattan. He drove down to the site, where he worked nearly every day until operations shut down in the spring of 2002. He dug through the rubble and assisted with search and recovery. He also was the chief of Marine Operations. He would take the families of victims on a fire boat from the Brooklyn Navy Yard to the World Trade Center. He'd take the family members over to the site, where they could stand and look over the pile from a viewing deck. Then, he'd ferry them back to Brooklyn. He worked near the World Trade Center on a consistent basis, about five days per week.

7. George was enrolled in the World Trade Center Health Program. He had some breathing problems as the years went on and had nodes in his lungs as early as 2011. At that time, George's lung cancer was diagnosed as Stage I. The surgeon removed his nodes, and we had no more lung issues for several years. He also had some heart issues. I took time off from work for both illnesses. George started to get a cough toward the end of 2014, which was getting worse and worse each day. He would have breathing problems, pressure in his chest, and a fluttering feeling in his chest and lungs.

8. An FDNY medical officer diagnosed him with Stage IV lung cancer in the spring of 2015. His condition deteriorated very rapidly from the time he went into the hospital in mid-May 2015. I decided to take the rest of the school year off and became George's full-time caretaker. Since I didn't go to work, I wasn't getting paid. For about a month, they didn't have an exact diagnosis. He was officially diagnosed on a Thursday, and he died the next Saturday. He died on June 13, 2015.

9. We were always worried. After the first bout with cancer in 2011, George was diligent about going back for scans and checkups every three-to-six months. It was very anxiety-inducing for me. It was always in the back of my mind. I was always worried that the next test would turn up positive for cancer. Once he completed his check-up and all the X-Rays and scans, we would breathe easily for a few weeks. But before you knew it, the next three-to-six-month period would come along and produce more anxiety.

10. George was a wonderful person, and a very good husband. He was kind, friendly, and outgoing. He was loved by so many people. I think the most significant thing about his

illness and death is that he loved the FDNY very much. He was happy that he chose it as a career. He worked his way through the ranks and retired as a Battalion Chief. He had no regrets that he chose a dangerous career, which 9/11 made even more dangerous. That was something we only learned afterwards. Still, he had no regrets. He loved what he was doing. He did not want to leave any man behind. My son is a firefighter too, inspired by his father. They worked together on the pile. George had no regrets, no concerns. He wanted to do it. The camaraderie meant that much to him. He worked as hard as he could for those who were lost.

Elaine Eysser  
ELAINE EYSSE

Sworn to before me this  
19 day of April, 2022

R. J. Wiemer  
Notary Public

RICHARD JOSEPH WIEMER  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01WI6415974  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES 04/05/2025

**Laura Marich**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW., et al.,

**AFFIDAVIT OF  
LAURA MARICH**

Plaintiffs,

20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X

STATE OF NEW YORK      )  
                             : SS.:  
COUNTY OF NASSAU      )

LAURA MARICH, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 33 Renee Road, Syosset, NY 11791.

2. My current age is 46, having been born on January 9, 1976.

3. I am the daughter of George Eysser, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My father passed away from lung cancer on June 13, 2015. As has already been determined by the World Trade Center Health Program, his illness was causally connected to his exposure to the toxins resulting from the 9/11 terrorist attacks.

5. My father and I were super close before he got sick. I had two little kids and was a stay-at-home mom, and my father would help me watch the kids. We spent a lot of time together going on drives and just talking. We hung out a lot. We had an extremely close relationship. My dad was retired, so he was always around to babysit the kids for me. I was

grateful for his help, as my kids were so young at the time.

6. On September 11, 2001, I was working in Manhattan, and I called my dad for help getting out of the city. At the time, my dad was on medical leave from the FDNY. Once cleanup started, he was active in working on the pile. He also took family members of fallen firefighters on a boat from the Brooklyn Navy Yard to a viewing station over the rubble of the World Trade Center site. He enjoyed doing it, as he felt like he was helping give families a sense of closure for their lost loved one. Unfortunately, we didn't know how much breathing in all that toxic dust would hurt him. He was there for months.

7. In March or April of 2015, my dad was having some medical issues. He had unexplainable tiredness and trouble breathing. He started to slow down a bit. In hindsight, I recognized that he wasn't acting like himself. He didn't want to go on a car ride or go out together. He admitted that he wasn't feeling quite right. At first, the doctors at Saint Francis Hospital thought he had a heart issue. They gave him a stent and sent him home. We later learned that the issue was lung cancer, but he had many misdiagnoses before we learned he actually had lung cancer. He soon developed pneumonia, and his condition worsened. He received a bronchoscopy and was diagnosed with lung cancer on a Thursday. That Saturday, he was dead.

8. It was horrible. Even when he didn't admit there was something wrong, it was obvious to me that there was. It was awful for me to watch. I visited at home and in the hospital, and I tried to be around and be with him as much as I could. I lost my father and my best friend. My kids lost their grandfather, who was a role model to them. It's sad for me to think they lost someone who was a hero and that they may not ever remember their grandfather.

9. It's such a shame that my father was lost to such a senseless act of violence. To deprive me and my children of such an important, good person, it's just wrong. There are so many bad people in the world and to have someone like him taken away from us is just not fair. It's truly awful. I want to participate in this lawsuit to honor my father's legacy and to honor everyone else who suffered from a 9/11-related illness. I don't want them to have died in vain. I want them to be appreciated for all they were. We should appreciate the loss, not just a personal

loss but a collective loss. They suffered a senseless act of violence, and we should appreciate them for their sacrifice.

  
Laura Marich

LAURA MARICH

Sworn to before me this  
19 day of April, 2022

  
Richard Joseph Wiemer  
Notary Public

RICHARD JOSEPH WIEMER  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01WI6415974  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES 04/05/2025

**Kenneth Finck Jr.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW., et al.,

Plaintiffs,

**AFFIDAVIT OF  
KENNETH FINCK, JR.**

20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF NEW YORK )  
: SS.:  
COUNTY OF COLUMBIA )

KENNETH FINCK, JR., being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 131 Southers Road, Hudson, NY 12534.

2. My current age is sixty, having been born on June 9, 1961.

3. I am the son of Kenneth John Finck, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My father passed away from pancreatic cancer on July 14, 2011. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.

5. My father and I did a lot together. He was a young father, and he was very active in my life. We skied, golfed, and played music together. He was the best man in my wedding. Our lives were very connected. We saw each other a few times each week at least, and we vacationed together. We were closer than most fathers and sons are.

6. On September 11, 2001, my father got a hold of my uncle, and they both drove down to the World Trade Center site right away. I was at a restaurant in Albany, and my father called me and told me to get home quickly. He had just retired from the FDNY. He had worked at Engine 10, Ladder 10, at the foot of the World Trade Center on Liberty Street. He went straight back there to help. He spent about a week working at Ground Zero and the next year going to funerals. He didn't tell me much about what he was doing—he didn't go into all that much detail. He tried to describe the conditions, but they were indescribable. It was like being at any disaster. It was more impactful being there in person and harder to describe to those on the outside. We can only guess from television and videos how bad it truly was. He said it was horrific.

7. In 2009, my father called me to tell me he was diagnosed with pancreatic cancer. He was a very healthy person, and I was shocked. He worked out every single day until the disease took his body over. He underwent treatment, including chemotherapy and radiation. The side effects of the treatment made him very sick, along with the cancer itself. He started losing a lot of weight. He was constantly vomiting and lost his bowel control. He was a big, hulking firefighter, and by the time he passed, he was 130 lbs. Pancreatic cancer was not a pretty way to go. He fought it until the end, in 2011.

8. I tried as much as I could to take care of him. He had a big house and property, and I went up to take care of his house after he became too sick to do it himself. I wanted to lighten things up and make him happy. I would go and try to spend time with my father and feed him. It was difficult because he didn't want to eat. He was so sick. He knew the end was coming, but he didn't want to talk about dying. After he passed, I took care of his home and affairs. My mother had to move. It was hard to cope after his death. Losing him was devastating. It sent me into a tailspin. I started drinking. One night, I was cleaning out his music and the realization of his death hit me hard. I ended up getting a DWI a few months after he passed.

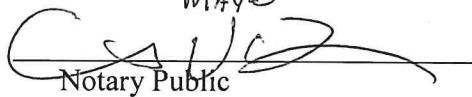
9. I would say that my father was one of the most helpful people that I've ever known. He was a policeman with the NYPD before he was in the FDNY. He loved both of his

jobs. He totally loved what he did. The whole brotherhood of the Fire Department meant a lot to him. He was just a good man, and I miss him terribly.

  
KENNETH FINCK, JR.

Sworn to before me this

12 day of April, 2022  
MAY 2022

  
Notary Public

CHRISTOPHER VAN LOAN  
Notary Public, State of New York  
Qualified in Greene County  
Reg. No. 01VA6335583  
My Commission Expires Jan. 19, 2024

**Mary D. Finck**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW, et al,

**AFFIDAVIT OF  
MARY D. FINCK**

Plaintiffs,

20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-X

STATE OF NEW YORK )  
                       :  
                       : SS.:  
COUNTY OF GREENE )

MARY D. FINCK, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 41 Mitchell Hollow Road, Windham, NY 12496.

2. My current age is 79, having been born on September 11, 1942.

3. I am the wife of Kenneth John Finck, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My husband passed away from metastatic pancreatic cancer on July 14, 2011. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.

5. My husband was retired from the fire department, and we had moved upstate to a big house with a pool for the grandkids. It was very good. We enjoyed it very much. We played golf, we had friends, grandchildren - it was perfect.

6. My husband had retired shortly before the events of 9/11 and did not respond to the World Trade Center site on the day of the attacks. This did not stop him from responding soon after. My husband had worked for over twenty years as an FDNY fireman. His old

firehouse was right across the street from the World Trade Center. Kenneth responded to the World Trade Center on September 13, 2001, and he continued to perform search and recovery for several months. He wanted to help his comrades who were there and be involved in any way that he could.

7. A few years after 9/11, I began to notice my husband experiencing discomfort in his throat. I could tell he didn't feel well and noticed he was constantly rubbing his throat. Finally, in June 2010, we decided to go to the doctor for some tests and discovered he had metastatic pancreatic cancer. Before, he was a very healthy and active individual who enjoyed working out. He lost weight in a way no active, health-conscious man should. The signs that his health was rapidly deteriorating were evident. He passed the year after his diagnosis in July.

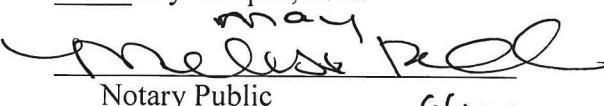
8. The emotional impact of my husband's death is something I struggle with to this day. Simply thinking of his death floods me with emotion, and I cannot talk about his death. I'm here by myself. I have my daughter, and my kids are very supportive, but I am alone. It is terrible.

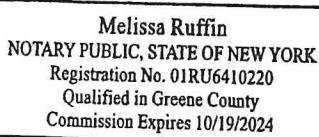
9. My husband's illness was incredibly straining on me, as I was his primary caretaker. There were many trips back and forth to Sloan Kettering from our home in upstate New York. When Sloan determined there were few ways left for them to treat my husband, we made the decision to seek further help at the Moffatt Center in Tampa, Florida. Despite the best efforts of the doctors at the Moffatt Center, they came to the same conclusion as the doctors at Sloan. We moved back to our home in Windham, where a nurse helped provide him with hospice care. The nurses continued to help care for my husband until his passing.

10. My husband was a kind, caring, and compassionate man who is very well missed by all. His death is a travesty that I will never recover from.

  
\_\_\_\_\_  
MARY D. FINCK

Sworn to before me this  
17<sup>th</sup> day of April, 2022

  
\_\_\_\_\_  
Melissa Ruffin  
Notary Public  
Greene County



**Robert J. Finck**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
ELAINE E. MANDELKOW., et al.,

Plaintiffs,

20-CV-00315 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X  
STATE OF NEW YORK )  
: SS.:  
COUNTY OF NASSAU )

ROBERT J. FINCK, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 23 Pennsylvania Avenue, Massapequa, NY 11758.

2. My current age is 77, having been born on February 13, 1945.

3. I am the brother of Kenneth John Finck, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of my solatium claim.

4. My brother passed away from pancreatic cancer on July 14, 2011. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.

5. Kenneth and I did a lot together. He lived on Long Island near me for a number of years. He moved upstate to Windham for about the last ten years. We got along well. We were both FDNY firemen. He was a Lieutenant, and I was a Captain. We did what most brothers do—we raised our kids, went to ballgames, and we always used to go skiing together.

6. Kenneth was assigned to Ladder 10/Engine 10, which was right on Liberty Street across from the World Trade Center. Kenneth had just retired, but we both went down to Ground Zero after 9/11. We were down there on the pile for a few days before I was called to work on the Pier to perform DNA testing. Kenneth continued to work on the pile, and he mostly was working on search and recovery.

7. Kenneth was having pains in his stomach, so he went to go see a doctor in Florida. The doctors just thought he had gas. When he came back to New York, his regular doctor sent him straight to Sloan Kettering. An X-ray found a tumor on his pancreas. It was all downhill from there. Kenneth underwent chemotherapy, radiation, and surgeries. He had to have a surgery on his bladder and kidneys because the cancer had spread and was preventing him from urinating properly. He had chemotherapy at Sloan Kettering in New York as well as at Moffatt Hospital in Florida. He even had alternative treatments, like acupuncture, to alleviate the pain.

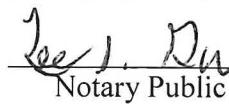
8. It was just him and me. Our parents had passed away, so I was the one to primarily take care of him, alongside his wife. Since he lived upstate and had to come to Sloan Kettering for treatment, he would stay at my house in Long Island. I would drive him in, because he couldn't drive anymore. The chemo really knocked him out, and he would have to stay and rest at my house after his treatments. It was hard. Kenneth was a big guy, about 215 pounds, but he lost a lot of weight due to the cancer. He wasn't even 100 pounds when he died.

9. I miss him all the time. I feel bad for his kids. He had three kids and grandkids. It's a sad scenario. He was a healthy guy who worked out all the time. We skied, played golf, and we had lots of memories together. All of a sudden, he couldn't eat anymore. His body wasted away, and there wasn't much left of him when he died. It was very sad and has left a huge void in my life.



ROBERT J. FINCK

Sworn to before me this  
26 day of April, 2022



Notary Public

